REMARKS

STATUS SUMMARY

Claims 2, 3, 5, 9-11, 13, 33-36 and 41-43 are pending in the present application. Claims 6-8, 14 and 37-40 have been withdrawn from consideration. Claims 2, 3, 5, 9-11, 13, 33-36, 41-43 stand rejected. Claims 6-8, 14 and 37 have been amended herein. Claims 1-5, 9-13, 15-36 and 41-43 have been canceled. Claims 44-69 have been added. Applicant has also made minor amendments to certain paragraphs of the specification to correct minor errors and/or improve clarity. As to all amendments, no new matter has been added.

Applicant has considered the above-identified Office Action and cited references, and replies as set forth below.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 2, 3, 5, 9-11, 13, 33-36 and 41-43 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dybbs (U.S. Patent No. 6,228,099). Applicant has canceled claims 2, 3, 5, 9-11, 13, 33-36 and 41-43 in favor of new claims 44-69. Applicant respectfully submits that new claims 44-69 are patentable over Dybbs.

The new claims include independent claims 44, 55, and 60.

Independent claim 44 defines the relative orientations of the edges of the blade in part in terms of a first direction and a second direction. In addition, claim 44 recites "the blade holder frictionally engaging the rear edge by an amount adjustable along the first direction, wherein the blade holder reference surface is positioned at an adjustable distance from the cutting edge along the first direction." Thus, claim 44 properly defines the structural and positional relation between the recited blade and blade holder. Claim 44 as recited is directed to a blade assembly that enables calibration of the distance between the blade holder reference surface and the cutting edge in a manner not found in the prior art. Applicant's specification notes an advantage of this invention as follows:

> In general the present invention includes a blade assembly that can be assembled into a microkeratome which is used to cut a cornea. The blade assembly is constructed in a manner that minimizes the tolerance of the cutting depth into the cornea. The blade assembly includes a blade holder that can be pressed onto a blade. The relative position of the blade holder can be calibrated to control the distance between a reference surface of the blade holder and the cutting edge of the blade. This distance defines the cutting depth of the blade. The blade holder is coupled to the blade with an interference fit that both secures the holder while providing for calibration of the assembly.

Dybbs fails to teach or suggest the blade assembly recited in claim 44. Referring to Figures 3, 4 and 14 of Dybbs, Dybbs teaches sandwiching a blade (98) between a blade holder (96) and a wedge (100). A bottom protrusion (120) of the blade holder (96) is inserted through an opening (122) of the blade (98) and into a corresponding opening of the wedge (100). The direction of insertion is perpendicular to the plane in which the blade (98) lies. The wedge (100) is a lower cover of the initially open-bottomed cutting head (94). The wedge (100) is not a blade holder and is not part of the expressly separately identified blade holder (96). Referring additionally to Figures 7 and 9 of Dybbs, the wedge (100) locks both the blade holder (96) and blade (98) in place by press-fitting posts (128) of the wedge (100) into corresponding holes (130) of the cutting head (94). *See* Dybbs, col. 9, lines 19-21; col. 9, lines 35-45; and col. 9, line 64 to col. 10, line 4. None of these components taught by Dybbs are adjustable. In particular, the structural interaction between the blade holder (96) and the blade (98) is not an adjustable engagement. Applicant has carefully studied the lengthy, detailed disclosure of Dybbs and has found no teaching of any structural relation between the blade (98) and the blade holder (96) that is adjustable. Applicant has found no means or structure taught by Dybbs for providing calibration of the distance between any part of the blade holder (96) or wedge (100) and the cutting edge (102) of the blade (98).

For the foregoing reasons, Applicant respectfully submits that claim 44 does not read on Dybbs.

Independent claim 55 does not read on Dybbs for at least the same reasons set forth above regarding claim 44.

Independent claim 60 recites "a finger extending outwardly from the rear edge [of the blade] in a direction way from the cutting edge [of the blade], and that the "finger extends into

the slot [of the blade holder]. Considering claim 60 in its entirety, Applicant respectfully submits that claim 60 defines the respective positions and orientations of the finger and the slot in a manner not taught by Dybbs. Accordingly, claim 60 does not read on Dybbs.

In view of the foregoing, Applicant respectfully submits that new claims 44-69 are patentable over Dybbs. Therefore, Applicant respectfully requests that new claims 44-69 be entered and allowed.

CONCLUSION

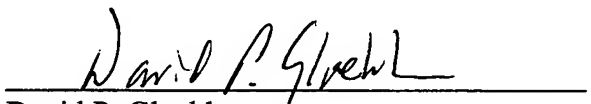
In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Although it is believed that the appropriate fees are submitted with this transmittal, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542.

Respectfully submitted,

THE ECLIPSE GROUP LLP

Date: October 19, 2007 By: 

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